

Remarks

Claims 1 – 9 remain in the present application.

Claims 10-16 have been canceled.

Rejections under 35 U.S.C. 112

Claims 10-16 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Applicant has canceled claims 10-16.

Rejections under 35 U.S.C. 102(e)

In the office action dated 06/18/2009, claims 8-9 and 15-16 were rejected as being anticipated by U.S. Patent No. 6,787,603.

The present application (10/552,204) and U.S. Patent No. 6,787,603 were, at the time of the invention of US Patent Application 10/552,204 was made, commonly owned by Dow Corning Corporation. Accordingly, Applicant respectfully submits this rejection is overcome, as established by common ownership at the time of invention of the present invention.

Obviousness-type Double Patenting Rejection

Claims 1 - 6 and 10-13 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 to 7 of U. S. Patent No. 6,787,603.

Claims 1 to 16 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 to 20 of co-pending Application No. 10/552,537.

Applicant submits herein terminal disclaimers in compliance with 37 CFR 1.32(c) or 1.321(d) to overcome these rejections.

The present response is being submitted within the three-month shortened statutory period for response to the outstanding Office Action. Applicant authorizes the USPTO to charge deposit account 04-1520 for any fees that should be necessary to maintain the pendency of the application.

In view of the above, it is respectfully submitted that the claims are in condition for allowance. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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